



Speech by

**GEOFF WILSON**

**MEMBER FOR FERNY GROVE**

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Hansard 11 November 2003

**Ms P. HANSON; Mr D. ETTRIDGE**

**Mr WILSON** (Ferny Grove—ALP) (3.42 p.m.): Two people were convicted by a jury of their peers for criminal fraud of half a million dollars and sentenced to three years jail. The Queensland Court of Appeal overturned the conviction and the sentence. They are the basic facts. The Premier's motion, which I urge every member to support, is directed at three things: one, in the case of the conviction of these two people and the overturning of the conviction by the Court of Appeal, assuring that the outcome of the criminal justice system in this case does not depend upon the person being a high-flier political celebrity; two, that we protect the public confidence in the criminal justice system; and, three, that we protect the rule of law in Queensland from political attack.

I want to take members to one of the key parts of the Court of Appeal's decision, and it is the observation at paragraph 55 on page 12 by Justice McMurdo. She has drawn attention to the fact that the Prime Minister and other politicians have been or were critical of the conviction of these two people and of the associated court processes. She says in part—

If these observations—

that is, the adverse and critical observations by these politicians such as the Prime Minister and others—

were accurately reported, they are concerning. They demonstrate at the least a lack of understanding of the rule of law, the principle that every person and organisation is subject to the same laws and punishment and not to the arbitrary wishes of individuals or the passing whim of the day. Such statements from legislators could reasonably be seen to be an attempt to influence the judicial appellate process and to interfere with the independence of the judiciary for cynical political motives.

The issue before this House is whether we should have the CMC investigate and report on this criminal case, which just happens to be, as some might know, the case of Pauline Hanson and David Ettridge. I mention their names in passing, because I think it is important to, in a sense, forget about who it was. The second issue is under what terms of reference that investigation and report should be conducted. As I say, in a way we should set aside the fact that Hanson and Ettridge are high-profile individuals. I think the issue before this House should be adjudicated without any regard to the fact that these two individuals have enormous political power and influence—that is, Pauline Hanson and David Ettridge. They have extraordinary media appeal and capacity to align the media to communicate their point of view. Associated with that, they have an ability not just in Queensland but throughout Australia to communicate to the broad nation as a whole.

We need to adjudicate this issue from the point of view of what we would do if it was Mrs Smith and Mr Jones, ordinary people in the community, who had gone through this process. We should not make our decision today on the basis of being influenced by the fact that these are high-profile political participants, because that is not the way to ensure that the rule of law is observed in Queensland. I do not think we should be doing favours for activists within the political system who have a high-profile political performance. We should be making sure that what we do today we would do if, as I say, it was Mrs Smith or Mr Jones down the street. We should not be doing favours for any politician of any political persuasion or from whatever side of the political fence.

The Court of Appeal quashed the conviction and the sentence and proceeded to direct a verdict of acquittal for Hanson and Ettridge. It then went on to make comment about the Queensland criminal justice system in general terms and then some specific comments. Indeed, the Premier's motion captures the whole sentiment and tenor of what the Court of Appeal was saying, because the motion states that the Crime and Misconduct Commission have this matter referred for its consideration and

advice along with comments regarding the Queensland justice system in this particular case and then it goes on and nominates paragraphs 39, 40 and 41. So this referral is as broad as one could get, but it is grounded on the comments and observations made by the Court of Appeal. So anyone who argues from the National Party point of view that this is a narrow investigation that would flow to the CMC from this referral would be misleading this House and would be misleading themselves, because it is entirely broad.

In paragraphs 39, 40 and 41 the Court of Appeal notes through the Chief Justice's observations that the process undertaken in this trial and in the subsequent appeal was not unlawful. In other words, the outcome that they have arrived at does not mean that the process which they went through to get to that point was unlawful. They raise the issue in paragraphs 40 and 41 of the capacity and experience of lawyers for the appellants—but at the trial—and, secondly, the question of resourcing of the DPP and the experience and expertise of the DPP lawyers. All of those issues are picked up in the Premier's motion.

It is worth noting that in the Court of Appeal decision none of the judges suggests that there has been any conspiracy by the DPP or any other of the primary agencies involved in the criminal justice system in Queensland. Nor do they suggest that there has been any official misconduct by any person involved with the Queensland criminal justice system. But our necessity to pass the Premier's motion today is to support the rule of law, as I said at the outset, to endorse the doctrine of the separation of powers in Queensland. Not only must that be the case; we must ensure that the community understands that the judiciary functions unfettered by the involvement of anyone from the executive or anyone from the legislature.

It is clear that there is some public concern within the broader community about how this decision has come about. But it is important that we actually focus upon the facts of what happened in this case and not on all of the political hoo-ha that has been associated with the politics of the Pauline Hanson One Nation Party. From time to time, it is a pretty handy starting point to go back to what the facts are. The facts are very clearly set out in the Court of Appeal's decision. I would be interested if there is any response to this question: has anyone within the National Party read the Court of Appeal decision?

**Mr Seeney:** Yes.

**Mr WILSON:** That is good. I am pleased the member has. There are only 13 pages to it. May I say with respect to the court that it is set out in a very logical and comprehensive way. If we were to embark upon the investigation and the inquiry that the opposition would want us to do, we would be investigating the whole justice system—not just the criminal justice system as it applied and was involved in this case but the entire justice system and criminal justice system in Queensland.

I remind members of the opposition that 90 per cent of court cases in Queensland are before Magistrates Courts. A lot of those cases, probably the majority of those cases, are criminal prosecutions by the Queensland Police Service. Of the District Court and Supreme Court cases that are heard throughout Queensland each year a large number would also be criminal cases run by the Office of the Director of Public Prosecutions. It is my understanding that about 8,000 cases are prosecuted by the DPP in a year in Queensland. The other fact that is worth bearing in mind is that about 90 per cent of committal hearings—maybe the percentage is even higher—involve a committal to trial. In relation to Pauline Hanson and David Ettridge, there is nothing particularly surprising about the fact that they were committed to trial at their committal hearing, because so, too, are 95 per cent of other cases in Queensland.

Whilst appeals to the Court of Appeal in relation to a conviction on a criminal matter in the Supreme Court do not often result in the Supreme Court decision being overturned, nor is it an exceptional experience and nor is it something that rarely happens. It is in fact built into the system that that be a possibility. That is why we have a Court of Appeal. In this case the judicial system has shown well and truly that the judicial system works and works very effectively. Under the appeal process, the conviction in this particular case was found to be flawed and the Court of Appeal was able to overturn it. Not only that; it was able to direct a verdict of acquittal for the people involved.

For those reasons, I commend the Premier's motion to the House and urge every honourable member to vote for the Premier's motion so that we can ensure that, as I said at the outset, public confidence can be maintained in the criminal justice system; secondly, that the criminal justice system and its outcomes are not dependent upon the political influence of the people involved; and, thirdly, so that the endorsement of the rule of law in Queensland is protected from the unwanted, ill-founded and ignorant interventions of people like the Prime Minister, who in this particular matter was more preoccupied with shooting his mouth off to gain political advantage, so he thought, than with observing the time honoured practice within the political system of respecting the independence of the judiciary and allowing it to perform its task and to perform it well. I commend the motion to the House.